THE HON'BLE Mr. JUSTICE B. SUDERSHAN REDDY

AND

THE HON'BLE Mr. JUSTICE GHULAM MOHAMMED

W.A.M.P. No.2189 OF 2005

IN

W.A. No.191 OF 2004

ORDER: (Per Hon'ble Mr. Justice Ghulam Mohammed, J)

This petition is filed to clarify the last paragraph of the common judgment dated 30-07-2004 in W.A. No.191 of 2004 and C.M.A. No.3613 of 2003.

The grievance of the petitioner is that the petitioner is eligible to be paid the rate of Rs.3.48 paise per unit from the date of commencement of the production of electricity in its co-generation unit, as has been paid to other similarly co-generation power units, but the respondents are paying the petitioner at Rs.2.69 paise per unit by taking the shelter under the orders passed by this Court in W.A. No.191 of 2004 and C.M.A. No.3613 of 2003.

Having heard the learned senior counsel for the petitioner and the learned standing counsel for the respondents, it is made clear that we have never intended to deprive the petitioner any benefits, which other similarly situated co-generation power units are deriving. Suffice it to clarify that the judgment of ours, which is under challenge in the Apex Court, did not deal with that aspect of the matter at all. It is accordingly clarified that if the petitioner is otherwise entitled to the benefit that is the payment at the rate of Rs.3.48 paise per unit, the same shall not be withheld by taking advantage of our orders, since we did not deal with that aspect of the matter in the writ appeal.

Learned standing counsel for the respondents fairly concedes to this position.

The order dated 30-07-2004 made in W.A. No.191 of 2004 and C.M.A. No.3613 of 2003 is accordingly clarified.

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B. SUDERSHAN REDDY, J

Date:24-10-2005

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GHULAM MOHAMMED, J

MVB/PV